

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

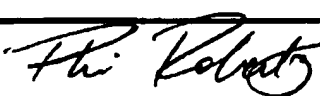
**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

PTO/SB/01 (04-09)

Approved for use through 07/31/2009. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to: <input type="checkbox"/> Customer Number: <span style="border: 1px solid black; display: inline-block; width: 100px; height: 1.2em; vertical-align: middle;"></span> OR <input checked="" type="checkbox"/> Correspondence address below			
<b>Name</b> Law Offices of Eric Hanscom			
<b>Address</b> 8994 El Camino Real, Suite 204			
<b>City</b> Carlsbad	<b>State</b> CA	<b>ZIP</b> 92009	
<b>Country</b> USA	<b>Telephone</b> (760) 804 1712	<b>Fax</b> (760) 494 3014	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
<b>NAME OF SOLE OR FIRST INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
<b>Given Name</b> (first and middle (if any)) Phil		<b>Family Name</b> or Surname Roberts	
PHILIP DEAN			
<b>Inventor's Signature</b> 			<b>Date</b> Feb 16, 2004
<b>Residence: City</b> CORONA DEL MAR	<b>State</b> CA	<b>Country</b> USA	<b>Citizenship</b> USA
<b>Mailing Address</b> 426 DAHLIA AVE			
<b>City</b> CORONA DEL MAR	<b>State</b> CALIFORNIA	<b>ZIP</b> 92625	<b>Country</b> USA
<b>NAME OF SECOND INVENTOR:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
<b>Given Name</b> (first and middle (if any)) Robert		<b>Family Name</b> or Surname Neay	
<b>Inventor's Signature</b>			<b>Date</b>
<b>Residence: City</b>	<b>State</b> CA	<b>Country</b> USA	<b>Citizenship</b> USA
<b>Mailing Address</b>			
<b>City</b>	<b>State</b> CA	<b>ZIP</b>	<b>Country</b> USA
<input type="checkbox"/> Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

PTO/SB/01 (08-03)

Approved for use through 07/31/2003. OMB 0681-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION — Utility or Design Patent Application**Direct all correspondence to: ☐ Customer Number:  OR ☒ Correspondence address below

Name

Law Offices of Eric Hanscom

Address

6994 El Camino Real, Suite 204

City

Carlsbad

State

CA

ZIP

92009

Country

USA

Telephone

(760) 804 1712

Fax

(760) 494 3014

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle (if any)) Phil

Family Name

Roberts

Inventor's  
Signature

Date

Residence: City

State

CA

Country

USA

Citizenship

USA

Mailing Address

City

State

ZIP

Country

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle (if any)) Robert

Family Name

Nealy

Inventor's  
Signature

Robert B Nealy

Date

2/16/04

Residence: City

State

CA

Country

USA

Citizenship

USA

Mailing Address

4022 CALLE LOUISA

City

SAN CLEMENTE

State

CA

ZIP

92672

Country

USA

☐ Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

PTO/SB/02A (06-03)

Approved for use through 06/01/2003 OMB 075-0102

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION****ADDITIONAL INVENTOR(S)**

Supplemental Sheet

Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Resort		Fidmark	
Inventor's Signature <i>Cobert Cohen Zuban A</i>		Date <i>2-18-04</i>	
Residence: City <i>Vista</i>	CA State	USA Country	USA Citizenship
Mailing Address <i>2575 Fortune Way #6</i>			
Mailing Address			
City <i>Vista</i>	CA State	Zip <i>92081</i>	USA Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Pony		Fname	
Inventor's Signature		Date	
Residence: City	CA State	USA Country	USA Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	CA State	Zip	USA Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or maintain a benefit by the public when it is in this (and by the USPTO in process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Assignment Document: Phil Roberts

### Assignment of Patent

Whereas I, Phil Roberts, a citizen of the United States residing in Corona Del Mar County of Orange, State of California, have contributed in a meaningful way to the invention of new and useful improvements in the area of Surf Sculpture, namely, three dimensional resin sculptures of surfers in waves, utilizing a number of new and unique methods of portraying the ocean bottom, wave shape and surfer figure from various views, for which I, along with others, am about to file an application for a United States Utility Patent entitled Sculpture Method Utilizing New Means Of Simulating, Viewing, And Displaying Sporting, Undersea, And Other Environments And Objects, which will relate back to a Provisional Patent Application by the same name, received by the United States Patent and Trademark Office on February 28, 2003, and given the number 60/450342, and;

Whereas SurfMore Products desires to acquire my entire right, title, and interest in and to the aforementioned invention and in and to any patents which may issue from this application and any continuation, continuation-in-part, and other applications derived from this application;

Now, Therefore, to all whom it may concern, be it known that for the following consideration as described in the following paragraph, which is also found in contract form in a separate document drawn up and executed between myself, SurfMore Products, and the other inventors to this invention, I do sell, assign and transfer to SurfMore Products the entire right, title, and interest in and to the said invention and in and to any and all patents, wherever they may be granted thereon, as well as reissues and extensions, and intend that SurfMore Products shall have full use and enjoyment of this patent:

The valuable consideration for which I am agreeing to my entire right, title, and interest in and to the aforementioned patent is the following:

Phil Roberts is to receive 10% of gross sales to retailers and wholesalers for pieces he designed and/or sculpted for an indefinite period of time upon which the pieces are sold in the collection of Ocean Arts International products and by American Legacy Products. Phil Roberts is also to receive 3% of gross sales to retailers and wholesalers for pieces for the use of his "look", including the underwater reef look and various further iterations such as a sandy bottom, rock bottom, etc., and on any other products designed and created by an artist other than Phil Roberts for Ocean Arts International products and by American Legacy Products for the life of the company. This 3% licensee fee applies for all design inventions Phil Roberts may create in the future that would be used by Ocean Arts International and by American Legacy Products. These art pieces, designs and inventions are exclusive to Ocean Arts International for the length of this contract agreement.

In exchange for this consideration, I also agree to make, execute, and deliver unto SurfMore Products any and all papers, documents, affidavits, renewal, divisional and

## Assignment Document: Phil Roberts

reissue applications, and any other papers necessary to accomplish the aforementioned goals.

Executed this 16 day of February, 2004, at Carona Del Mar,

County of Orange, California

  
(Signature of Phil Roberts)

State of \_\_\_\_\_)

County of \_\_\_\_\_) SS: \_\_\_\_\_

Before me personally appeared said \_\_\_\_\_

And acknowledge the foregoing instrument to be his free act and deed this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_.

Seal

\_\_\_\_\_  
(Notary Public)

whereas I, Bob Eubank, a citizen of the United States residing in Encinitas, County of San Diego, State of California, have contributed in a meaningful way to the invention of new and useful improvements in the area of Surf Sculpture, namely, three dimensional resin sculptures of surfers in waves, utilizing a number of new and unique methods of portraying the ocean bottom, wave shape and surfer figure from various views, for which I, along with others, am about to file an application for a United States Utility Patent entitled Sculpture Method Utilizing New Means Of Simulating, Viewing, And Displaying Sporting, Undersea, And Other Environments And Objects, which will relate back to a Provisional Patent Application by the same name, received by the United States Patent and Trademark Office on February 28, 2003, and given the number 60/450342, and;


Whereas SurfMore Products desires to acquire my entire right, title, and interest in and to the aforementioned invention and in and to any patents which may issue from this application and any continuation, continuation-in-part, and other applications derived from this application;

Now, Therefore, to all whom it may concern, be it known that for the following consideration: \$10.00 (ten dollars and no cents) and an external agreement between SurfMore Products and myself, I do sell, assign and transfer to SurfMore Products the entire right, title, and interest in and to the said invention and in and to any and all patents, wherever they may be granted thereon, as well as reissues and extensions, and intend that SurfMore Products shall have full use and enjoyment of this patent:

In exchange for this consideration, I also agree to make, execute, and deliver unto SurfMore Products any and all papers, documents, affidavits, renewal, divisional and reissue applications, and any other papers necessary to accomplish the aforementioned goals.

Executed this 16<sup>th</sup> day of February, 2004, at 12:30 pm.

County of San Diego, CA.

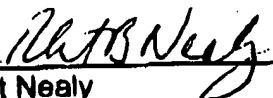
  
(Signature of Bob Eubank)

**37 C.F.R. 3.73(b) Statement**

I Robert Nealy, am owner of SurfMore Products, Inc., which is the assignee of record for the attached Utility Patent Application entitled: SCULPTURE AND SCULPTURE METHOD UTILIZING NEW MEANS OF SIMULATING, VIEWING, AND DISPLAYING SPORTING, UNDERSEA AND OTHER ENVIRONMENTS. I hereby submit this statement under 37 C.F.R. 3.73(b) to assert my right to take action on this application.

Attached to this application are assignment documents signed the other inventors, namely Phil Roberts, Bob Eubank, and Perry Faanes, indicating that they have assigned all of their rights in the patent to my company, SurfMore Products, Inc.

As president of SurfMore Products, Inc., I also attest to the fact that I am authorized to sign on behalf of this company, the assignee of the patent.

  
Robert Nealy

2/16/04  
Date



P.T.O. FORM 204-03  
Approved for use through 11/30/2003. OMB no 34-0003  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM**

Application Number	
Filing Date	
First Named Inventor	Roberts, Phil
Title	Gift Sculpture
Art Unit	
Examiner Name	
Attorney Docket Number	

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Eric Hanson	48,393

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number.

OR

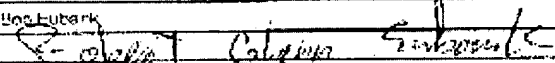
<input checked="" type="checkbox"/> Firm or Individual Name	Law Offices of Eric Hanson		
Address	8944 El Camino Real, Suite 204		
Address			
City	Carlsbad	State	CA Zip 92009
Country	USA		
Telephone	(760) 494 1712	Fax	(760) 494 3014

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/UB/76)

**SIGNATURE of Applicant or Assignee of Record**

Name	Eric Hanson		
Signature			
Date	2-13-04	Telephone	(760) 5990071

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

☒ Total of 4 forms are submitted.

The collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which, who file (and by the USPTO) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

If you need assistance in completing the form, call 1-800-PTO-2999 and select option 2.

PTO/SB/01 (09-03)

Approved for use through 11/30/2006. OMB 0661-0036

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# **POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM**

Application Number

Filing Date

First Named Inventor

Roberts, Phil

Title

Surf Sculpture

Art Unit

Examiner Name

Attorney Docket Number

I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Eric Hanscom	48,393

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number.

OR

☒ Firm or Individual Name Law Offices of Eric Hanscom

Address 8994 El Camino Real, Suite 204

Address

City

Carlsbad

State

CA

Zip

92009

Country

USA

Telephone

(760) 804 1712

Fax

(760) 494 3014

I am the:

☒ Applicant/Inventor.

☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)

## **SIGNATURE of Applicant or Assignee of Record**

Name Phil Roberts

Signature *Phil Roberts*

Date

Feb 16, 2004

Telephone

949-723-5591

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 4 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2